

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

SCOTTY J. FULLER,)	
)	
Plaintiff,)	
)	
v.)	No. 22-CV-106-RAW
)	
BLUE CROSS BLUE SHIELD OF OKLAHOMA, a division of HEALTHCARE SERVICE CORPORATION, <i>et.al.</i>,)	
)	
Defendant.)	

ORDER

Before the court is Defendant's Motion to Dismiss Counts II (Bad Faith) and III (Fraud, Deceit and Misrepresentation) of Plaintiff's Complaint [Docket No. 7], requesting dismissal of Claims II and III of Plaintiff's Complaint against it pursuant to Federal Rules of Civil Procedure.

Plaintiff is invited, if he so desires, to file an amended complaint by **August 29, 2022** providing additional legal or factual averments which may vitiate the Defendant's claims of insufficiency.

Amending to drop certain claims or parties is allowed. Amendment to add parties or claims is not contemplated by this order. **A redline version of the original complaint ("petition") as amended must be attached to the Amended Complaint.** Should Plaintiff decline to amend the complaint, the court will consider the motion and any response filed.

Further, the motion to dismiss will be deemed **MOOT**, upon the filing of an Amended Complaint, without prejudice to re-filing. (An amended complaint supersedes the previous

complaint and renders it of no legal effect. *See Davis v. TXO Prod. Corp.*, 929 F.2d 1515, 1517 (10th Cir. 1991) (citations omitted)). Defendant's deadline to renew the motion to dismiss is **September 12, 2022.**

IT IS SO ORDERED this 8th day of August, 2022.

A handwritten signature in black ink, reading "Ronald A. White". The signature is written in a cursive, flowing style.

HONORABLE RONALD A. WHITE
UNITED STATES DISTRICT JUDGE
EASTERN DISTRICT OF OKLAHOMA